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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,113	08/22/2003	Bernhard Jahn	02/047 ART	8446

7590 06/01/2006

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/646,113	JAHN ET AL.	
	Examiner	Art Unit	
	Lynda M. Salvatore	1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues a lack of motivation to combine references on the grounds that the primary reference of Dixon et al., does not teach or suggest further coating the surface fluorinated yarns with the fluoropolymer composition taught by Jahn. Applicant further argues that Dixon et al., teach surface fluorinating either polyolefin or polyacrylonitrile whereas Jahn teaches coating polyester, polyamide or aramid fibers. Applicant also submitted an Inventor Declaration stating that the passage disclosed in Jahn, which the Examiner relied upon in the Final Office Action to evidence that the fluoropolymer composition can also be made such that it is free of isocyanate containing compounds (e.g., adhesion promoters), was mistranslated (column 5, 29-37 and Inventor Declaration). Applicant submits that the fluoropolymer coating which is free from isocyanates (e.g., normal fluoropolymer) is always intended for use only as a topcoat rather than a basecoat and that only comparative example 3 of Jahn teaches employing the normal fluoropolymer coating as both a basecoat and a topcoat. These arguments are not found persuasive.

With regard to Applicant's lack of motivation to combine references, the Examiner maintains that sufficient motivation exists to further coat the surface fluorinated synthetic fibers of Dixon with the normal fluoropolymer coating taught by Jahn. Specific motivation is found in the teachings of Jahn which are directed to a fluoropolymer coating that provides high slip and chemical resistant characteristics. The Examiner maintains that one of ordinary skill in the art would recognize that further coating the surface fluorinated fibers of Dixon et al., with the normal fluoropolymer coating of Jahn would result in a fiber having the combination of high slip, chemical resistance, soil repellency and absorbitivity properties.

With regard to Applicant's arguments as to the types of fibers employed by Dixon et al., and Jahn, it is the position of the Examiner that the fibers employed by both Dixon et al., and Jahn are synthetic. There is nothing on record to evidence that the fluoropolymer coating of Jahn could not be used to coat another type of synthetic fiber such as those taught by Dixon et al.

With regard to the mistranslated portion of Jahn as set forth in Applicant's Inventor Declaration and the argument that the normal fluoropolymer coating is always used as the topcoat, it is the position of the Examiner that it is irrelevant as to whether the normal fluoropolymer coating is used as a basecoat, topcoat or both. Jahn was relied upon to evidence that it is known in the art to coat synthetic fibers with a fluoropolymer coating which is free from isocyanates (e.g., normal fluoropolymer). Furthermore, as pointed out by Applicant Jahn teaches an example using the normal fluoropolymer coating as both the basecoat and the topcoat. Though the adhesive strength is not as strong when compared to the example using the isocyanate containing fluoropolymer coating, it is the position of the Examiner that there is nothing on record to evidence that the normal fluoropolymer coating is not suitable for the claimed intended use.



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